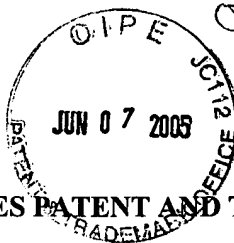


Express Mail Label No.: EV 475173986 US

Date of Deposit: June 7, 2005



Attorney Docket No. 18133-097

DAC#
JPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Christian L. Kuiawa et al.
Serial No.: 09/924,050
Filed: August 7, 2001
For: UNINTERRUPTIBLE POWER SUPPLY MANAGEMENT NETWORK SYSTEM
Examiner: Suryawanshi, Suresh
Art Unit: 2115

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION UNDER 37
C.F.R. § 1.137(b)

Applicants hereby petition to revive the above-identified application, which was abandoned for failure to the Office Action dated July 14, 2004. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The response required is being filed concurrently herewith.

Enclosed with this Petition are the following:

1. Response to Office Action Dated July 14, 2004 (11 pages);
2. Copy of Office Action Dated July 14, 2004 (15 pages);
3. Check No. 20643 in the amount of \$1,500.00 for payment of the fee for reviving the application; and
4. A return postcard.

A duplicate copy of this Petition is enclosed. Applicants enclose Check No. 20643 in the amount of \$1,500.00 as the fee for filing a petition to revive an unintentionally abandoned application, as set forth in 37 C.F.R. § 1.137(b), and required pursuant to 37 C.F.R. § 1.17(m). Please charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 18133-097.

Respectfully submitted,

Robert J. Sayre, Reg. No. 42,124
Attorney for Applicants
Mintz, Levin, Cohn, Ferris,
Glovsky and Popeo, P.C.
Tel: (617) 542-6000
Fax: (617) 542-2241
Customer No. 30623

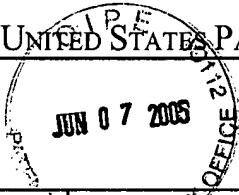
06/09/2005 MAHMED1 00000011 09924050

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/924,050 | 08/07/2001 | Christian L. Kuiawa | 18133-097 | 6167 |

30623 7590 07/14/2004

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON, MA 02111

EXAMINER

SURYAWANSHI, SURESH

ART UNIT

PAPER NUMBER

2115

DATE MAILED: 07/14/2004

COPY

Please find below and/or attached an Office communication concerning this application or proceeding.

| | |
|--|--------------|
| | Done By |
| <input checked="" type="checkbox"/> Data Entry | <u>PNL</u> |
| <input checked="" type="checkbox"/> Docket Entry | <u>9/14</u> |
| <input type="checkbox"/> Docket Cross Off | <u>11/14</u> |
| <input type="checkbox"/> Previously Entered | |
| <input type="checkbox"/> No Docketing Req. | |
| <input type="checkbox"/> ELITE | |
| <input type="checkbox"/> Annuities | |

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JUL 19 2004

MINTZ LEVIN, BOSTON
PATENT DOCKET DEPT.

Office Action Summary

Application No.

09/924,050

Applicant(s)

KUIAWA ET AL.

Examiner

Suresh K Suryawanshi

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/18/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-18 are presented for examination.

Drawings

2. This application, filed under former 37 CFR 1.60, lacks formal drawings. The informal drawings filed in this application are acceptable for examination purposes. When the application is allowed, applicant will be required to submit new formal drawings. In unusual circumstances, the formal drawings from the abandoned parent application may be transferred by the grant of a petition under 37 CFR 1.182.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen et al (US Patent no 6,219,703 B1¹).

5. As per claims 1 and 7, Nguyen et al teach

storing a plurality of configuration profiles, the configuration profiles having configuration settings to configure the devices [col. 2, lines 50-56; Management Information Bases (MIBs) for devices];

storing a list of devices to be managed [col. 2, lines 50-56; Network Management Station (NMS) comprises preloaded Management Information Bases (MIBs) for devices];

selecting at least a portion of the plurality of devices from the list of devices, and for each selected device, establishing communication with the device [col. 2, line 50 – col. 3, line 15; discovering if a device present, using the preloaded MIB for the device otherwise creating a new MIB for the device];

selecting a configuration profile from the plurality of configuration profiles to configure the UPS device [col. 1, lines 43-47; MIB for interfacing with a device; col. 2, lines 50-56; there are plurality of MIBs for devices]; and

transmitting configuration setting of the configuration profile to the device [col. 1, line 64 – col. 2, line 1; communicating with the device to control the device].

¹ Reference cited in information disclosure statement by applicants (dated 3/18/02).

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Nguyen et al do not expressly disclose wherein a device is a UPS device. However, a routineer in the art would realize that the method disclosed by Nguyen et al of discovering and managing a device in a network is not limited to a particular type of devices. The method can be implemented for any type of device including a UPS device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure and manage a plurality of UPS devices by utilizing the technique disclosed by Nguyen et al. Moreover, Nguyen et al also teach a method for creating new management information for a device if the device was not listed in the preloaded Management Information Bases (MIBs) for devices managed by the Network Management Station (NMS). Thus, Nguyen et al provides a faster device configuration and management method.

6. As per claims 2 and 8, Nguyen et al teach that establishing communication with an agent of the device [col. 1, 47-52; an agent in the device]; and transmitting configuration settings to the agent of the UPS device [col. 1, line 64 – col. 2, line 1; communicating with the device to control the device].

Nguyen et al do not expressly disclose wherein a device is a UPS device. However, a routineer in the art would realize that the method disclosed by Nguyen et al of discovering and managing a device in a network is not limited to a particular type of devices. The method can be implemented for any type of device including a UPS device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure and manage a plurality of UPS devices by utilizing the technique disclosed by Nguyen et al.

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Moreover, Nguyen et al also teach a method for creating new management information for a device if the device was not listed in the preloaded Management Information Bases (MIBs) for devices managed by the Network Management Station (NMS). Thus, Nguyen et al provides a faster device configuration and management method.

7. As per claims 3, 9 and 15, Nguyen et al teach retrieving identification information of the device [Fig. 2; col. 3, lines 20-23] and thus retrieving the corresponding MIB for the device. Nguyen et al do not disclose about a system protection strategy field in the MIB structure. However, a routineer in the art would know that the given MIB structure could be modified accordingly. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the MIB table structure and add a system protection strategy. Moreover, having an extra search criteria will speed-up the searching process and it will help in configuring/managing a device.

Nguyen et al do not expressly disclose wherein a device is a UPS device. However, a routineer in the art would realize that the method disclosed by Nguyen et al of discovering and managing a device in a network is not limited to a particular type of devices. The method can be implemented for any type of device including a UPS device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure and manage a plurality of UPS devices by utilizing the technique disclosed by Nguyen et al. Moreover, Nguyen et al also teach a method for creating new management information for a device if the device was not listed in the preloaded Management Information Bases (MIBs) for

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devices managed by the Network Management Station (NMS). Thus, Nguyen et al provides a faster device configuration and management method.

8. As per claim 4, Nguyen et al teach retrieving a firmware version of the device [Fig. 2; col. 3, lines 20-23; version number]. Nguyen et al do not disclose about associating the device with a family. However, a routineer in the art would know that the given MIB structure could be modified accordingly. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the MIB table structure and add a family association with every device. Moreover, having an extra search criteria will speed-up the searching process and it will help in configuring/managing a device.

Nguyen et al do not expressly disclose wherein a device is a UPS device. However, a routineer in the art would realize that the method disclosed by Nguyen et al of discovering and managing a device in a network is not limited to a particular type of devices. The method can be implemented for any type of device including a UPS device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure and manage a plurality of UPS devices by utilizing the technique disclosed by Nguyen et al. Moreover, Nguyen et al also teach a method for creating new management information for a device if the device was not listed in the preloaded Management Information Bases (MIBs) for devices managed by the Network Management Station (NMS). Thus, Nguyen et al provides a faster device configuration and management method.

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9. As per claims 5, 11 and 17, Nguyen et al disclose about detecting an additional device to be configured that is added to the list of devices [col. 2, line 50 – col. 3, line 15; discovering if a device present on the network]; selecting the configuration profile applicable to the added device [col. 1, lines 43-47; MIB for interfacing with a device; col. 2, line 50 – col. 3, line 15; there are plurality of preloaded MIBs for devices and a new one can be created]; and transmitting configuration setting of the configuration profile to the added UPS device [col. 1, line 64 – col. 2, line 1; communicating with the device to control the device].

Nguyen et al do not expressly disclose wherein a device is a UPS device. However, a routineer in the art would realize that the method disclosed by Nguyen et al of discovering and managing a device in a network is not limited to a particular type of devices. The method can be implemented for any type of device including a UPS device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure and manage a plurality of UPS devices by utilizing the technique disclosed by Nguyen et al. Moreover, Nguyen et al also teach a method for creating new management information for a device if the device was not listed in the preloaded Management Information Bases (MIBs) for devices managed by the Network Management Station (NMS). Thus, Nguyen et al provides a faster device configuration and management method.

10. As per claims 6, 12 and 18, Nguyen et al disclose the invention substantially. Nguyen et al expressly disclose about having a set of Management Information Bases (MIBs) for devices [col. 2, lines 50-56]. Nguyen et al do not disclose about a second set of MIBs for devices.

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However, a routineer in the art would recognize this and will be able to duplicate the method to create another set of MIBs for devices. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a multiple sets of MIBs for devices.

Thus, one will be able to do a quicker search for an appropriate configuration profile as the size of a set will be smaller and similar type of devices can be put into a particular set instead having a bigger set with all type of devices listed in it.

11. As per claim 10, Nguyen et al disclose that wherein the identification information stored in the device is a firmware version of the device [col. 3, lines 20-23; version number].

Nguyen et al do not expressly disclose wherein a device is a UPS device. However, a routineer in the art would realize that the method disclosed by Nguyen et al of discovering and managing a device in a network is not limited to a particular type of devices. The method can be implemented for any type of device including a UPS device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure and manage a plurality of UPS devices by utilizing the technique disclosed by Nguyen et al. Moreover, Nguyen et al also teach a method for creating new management information for a device if the device was not listed in the preloaded Management Information Bases (MIBs) for devices managed by the Network Management Station (NMS). Thus, Nguyen et al provides a faster device configuration and management method.

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12. As per claim 13, Nguyen et al teach

a memory for storing a plurality of configuration profiles, the configuration profiles having configuration settings to configure the devices and the memory further storing a list of devices to be managed [col. 2, lines 50-56; Network Management Station (NMS) comprises preloaded Management Information Bases (MIBs) for devices]; and

means for configuring at least a portion of the plurality of devices from the list of devices using at least one of the configuration profiles [col. 2, line 50 – col. 3, line 15; discovering if a device present, using the preloaded MIB for the device otherwise creating a new MIB for the device].

Nguyen et al do not expressly disclose wherein a device is a UPS device. However, a routineer in the art would realize that the method disclosed by Nguyen et al of discovering and managing a device in a network is not limited to a particular type of devices. The method can be implemented for any type of device including a UPS device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure and manage a plurality of UPS devices by utilizing the technique disclosed by Nguyen et al. Moreover, Nguyen et al also teach a method for creating new management information for a device if the device was not listed in the preloaded Management Information Bases (MIBs) for devices managed by the Network Management Station (NMS). Thus, Nguyen et al provides a faster device configuration and management method.

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13. As per claim 14, Nguyen et al teach means for communicating with the device [col. 1, lines 64-66; a communication interface].

Nguyen et al do not expressly disclose wherein a device is a UPS device. However, a routineer in the art would realize that the method disclosed by Nguyen et al of discovering and managing a device in a network is not limited to a particular type of devices. The method can be implemented for any type of device including a UPS device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure and manage a plurality of UPS devices by utilizing the technique disclosed by Nguyen et al. Moreover, Nguyen et al also teach a method for creating new management information for a device if the device was not listed in the preloaded Management Information Bases (MIBs) for devices managed by the Network Management Station (NMS). Thus, Nguyen et al provides a faster device configuration and management method.

14. As per claim 15, Nguyen et al teach

means for receiving identification information of the device [col. 3, lines 20-23; MIB identifier; Fig. 2]; and

means for selecting the configuration profile applicable to the device based on the identification information [Fig. 2; col. 2, line 50 – col. 3, line 23].

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Nguyen et al do not expressly disclose wherein a device is a UPS device. However, a routineer in the art would realize that the method disclosed by Nguyen et al of discovering and managing a device in a network is not limited to a particular type of devices. The method can be implemented for any type of device including a UPS device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure and manage a plurality of UPS devices by utilizing the technique disclosed by Nguyen et al. Moreover, Nguyen et al also teach a method for creating new management information for a device if the device was not listed in the preloaded Management Information Bases (MIBs) for devices managed by the Network Management Station (NMS). Thus, Nguyen et al provides a faster device configuration and management method.

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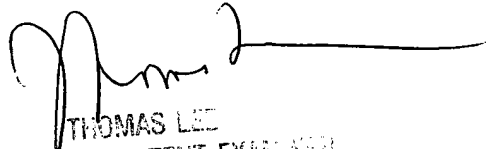
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suresh K Suryawanshi whose telephone number is 703-305-3990. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 703-305-9717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sks
July 8, 2004


THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

| | | | |
|-----------------------------------|---------------------------------------|---|-------------|
| Notice of References Cited | Application/Control No. 09/924,050 | Applicant(s)/Patent Under Reexamination KUIAWA ET AL. | |
| | Examiner Suresh K Suryawanshi | Art Unit 2115 | Page 1 of 1 |

U.S. PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | Classification |
|---|---|--|-----------------|-----------------|----------------|
| | A | US-5,961,604 | 10-1999 | Anderson et al. | 709/229 |
| | B | US-5,319,571 | 06-1994 | Langer et al. | 713/300 |
| | C | US-6,629,247 | 09-2003 | Hall et al. | 713/300 |
| | D | US- | | | |
| | E | US- | | | |
| | F | US- | | | |
| | G | US- | | | |
| | H | US- | | | |
| | I | US- | | | |
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| | L | US- | | | |
| | M | US- | | | |

FOREIGN PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Country | Name | Classification |
|---|---|--|-----------------|---------|------|----------------|
| | N | | | | | |
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NON-PATENT DOCUMENTS

| * | | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
|---|---|---|
| | U | IBM, A Software Managing Clustered Multi Vender Uninterruptible Power Supply on Network, 3/1/1999, IBM TDB Database, Vol 42, Issue 419, pages 3 |
| | V | |
| | W | |
| | X | |

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.